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PART 5—PROCUREMENT POLICY

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SUBPART A—GENERAL PROVISIONS

INTRODUCTION

§ 5.1 *Purpose and scope of part.* This part is issued under the Atomic Energy Act of 1946, as amended (McMahon Act), in the interest of the common defense and security, to establish minimum standards for the procurement of supplies and services for the Commission. This subpart sets forth introductory information, definitions, and a statement of basic policies. Subpart B relates to procurement by the Commission by formal advertising. Subpart C relates to procurement by the Commission where formal advertising is not required. Subpart D consists of administrative

provisions referring to procurement responsibilities and authority within the Commission and prescribing standards for justifications in support of awards by the Commission. Subpart E sets forth basic policies for the procurement of supplies and services by cost-type contractors.

§ 5.2 Matters not covered. This part is intended to set forth broad policies with respect to procurement and does not prescribe detailed procedures or instructions, except to the extent deemed necessary to establish basic policies. Among the matters not included are detailed contract clauses, cost principles, methods of payment, insurance, labor, patents, termination, and administration of contracts as distinguished from methods of procurement. The General Manager, and Division Directors and Managers of Operations within the limits of authority delegated to them, may prescribe procedures and instructions not inconsistent with this part which implement the provisions of this part or relate to matters not included in this part.

§ 5.3 Saving provisions relating to effective date. Subparts B and C and §§ 5.301 to 5.304 shall not apply to a contract which:

- (a) Is awarded pursuant to competitive bidding on an invitation to bid issued prior to the effective date of this part; or
- (b) Is executed as of a date prior to the effective date of this part; or
- (c) Formalizes a preliminary contractual agreement, such as a letter contract or a letter of intent, which itself was made prior to the effective date of this part; or
- (d) Amends, modifies, or supplements a contract executed as of a date prior to the effective date of this part, unless such amendment, modification, or supplement, provides for substantially additional quantities of supplies or services beyond the scope of the original contract.

§ 5.4 Saving provisions relating to subject matter. This part does not apply to the purchase, rental, or other acquisition of real property or rights or interests in real property, nor to the procurement of the services of employees or consultants. Sections 5.21 to 5.25 and Subparts B, C, and D do not apply to the procurement of supplies or services by contractors or subcontractors but may be used by them as a guide.

§ 5.5 Effect on authority of representatives of the Commission, and on subcontracts and purchase orders. Nothing contained in this part shall be construed to limit authority otherwise delegated to representatives of the Commission, nor to affect the validity of any subcontract or purchase order entered into by a cost-type contractor.

§ 5.6 Deviations. Deviations from the requirements of this part shall be made only by authority of the General Manager or in accordance with procedures which may be prescribed by him, and then only in cases where special circumstances justify the deviation.

DEFINITIONS OF TERMS

§ 5.11 Definitions. As used in this part, the following terms shall have the meaning set forth below:

(a) *Government, etc.* The term "Government" means the United States of America. The term "General Manager" refers to the General Manager of the Commission. "Division Director" refers to any Director of a Division of the Commission who is authorized to enter into contracts. The term "Manager of Operations" refers to any representative of the Commission designated by that title, and "Office of Operations" means any office under the supervision of a Manager of Operations. The term "GM bulletin" means any instructions issued in the GM series and any other instructions of general application issued by the General Manager.

(b) *Contract.* The term "contract" means any prime contract to which the Government, acting through the Commission, is a party, including, by way of description and without limitation, letter contracts and purchase orders, and any amendment or modification thereof or supplement thereto; and, except to the extent otherwise defined in § 5.402 for the purposes of Subpart E, a "contractor" is any person, firm, or corporation entering into such a contract with the Government.

(c) *Contracting officer.* The term "contracting officer" means the representative of the Commission who executes, or who will execute, a contract, and includes his authorized representative.

BASIC POLICIES

§ 5.21 General policy. It is the policy of the Commission that supplies and services be procured by the methods most advantageous to the Government—price, quality, and other factors considered, and that in procurement from outside sources methods be employed which are calculated to assure such full and free competition as is consistent with the Commission's requirements. However, in view of the declaration of a National Emergency by the President (Proclamation 2914, Dec. 16, 1950; 15 F. R. 9029), it is essential that further efforts be made to accelerate defense procurement actions. In doing so, it is recognized that there may be a need for considerable use of methods of procurement without formal advertising. In promoting the primary objective of strengthening the common defense and security, rapidly and effectively, there is a great responsibility to protect and preserve competitive enterprise. All practicable steps must be taken to provide for the equitable distribution of contracts among the maximum number of competent suppliers and to avoid the concentration of contracts among a relatively few suppliers. Such broadening of the industrial base of the program is essential to the acceleration of procurement.

§ 5.22 Procurement from Government sources. Procurement of certain supplies and services may be effected by orders against Federal schedule supply

or service contracts or stocks of the General Services Administration. Also, certain supplies may be obtained by resort to excess Government stocks, and stocks of Federal prison-made and blind-made products. It is the policy of the Commission that such methods of procurement be utilized to the fullest extent practicable, in accordance with applicable laws and regulations. Procurement by the Commission under the Economy Act of June 30, 1932, as amended (31 U. S. C. 686), from Federal agencies shall conform to the requirements of the act and applicable regulations of the General Accounting Office.

§ 5.23 Procurement by the Commission by contract from outside sources. Procurement by the Commission by contract shall generally be effected by formal advertising for bids and award to the lowest responsible bidder, in accordance with Subpart B, but may be effected without formal advertising if the circumstances, and the method adopted, meet the requirements of Subpart C. Where procurement without formal advertising is authorized, steps shall nevertheless be taken to assure such full and free competition as is consistent with the procurement of the supplies and services needed to meet the Commission's requirements, as provided in Subpart C.

§ 5.24 Small business concerns. It is the policy of the Commission to place with small business concerns a fair proportion of the total of supplies and services procured by contract for the Commission. For this purpose a small business concern is any concern which, including its affiliates, employs in the aggregate fewer than 500 persons.

§ 5.25 Ineligible contractors and disqualified bidders. Each office of the Commission, in accordance with procedures described by the General Manager, shall maintain current lists of ineligible contractors and disqualified bidders, indicating the reasons for such listing and the extent to which procurement from such persons or firms is restricted, as follows:

(a) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (act of June 30, 1936; 41 U. S. C. 35) which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that act;

(b) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act;

(c) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (act of March 3, 1931; 40 U. S. C. 276a), found by the Comptroller General to have violated said act;

(d) Persons and firms otherwise disqualified or declared ineligible in accordance with procedures prescribed by the General Manager.

SUBPART B—PROCUREMENT BY FORMAL ADVERTISING

USE OF FORMAL ADVERTISING

§ 5.31 *General requirements.* In accordance with the basic policies set forth in §§ 5.21 to 5.25, procurement of supplies and services by contract shall generally be effected by formal advertising. No contract shall be entered into as a result of formal advertising unless the requirements of this subpart have been satisfied. Minimum requirements relating to justifications in support of action under this subpart are set forth in §§ 5.301 to 5.303.

§ 5.32 *Meaning of formal advertising.* As used in this part, formal advertising means the method prescribed by this subpart of procuring supplies or services by contract as a result of advertising and competitive bidding.

§ 5.33 *Applicability of subpart to amendments.* This subpart does not apply to an amendment or modification of or supplement to a contract originally entered into pursuant to formal advertising if the amendment, modification, or supplement does not substantially increase, beyond the scope of the original contract, the quantity of supplies or services, to be furnished.

SOLICITATION OF BIDS

§ 5.41 *General requirements.* Bids shall be solicited by the methods prescribed in §§ 5.41 to 5.43 from all qualified sources of supplies or services deemed necessary by the contracting officer to assure such full and free competition as is consistent with the procurement of the required supplies or services. Current lists of prospective bidders shall be maintained by each office of the Commission concerned with the procurement of supplies or services. These lists shall afford as broad a coverage of sources of supplies and services as is reasonably possible, and every effort shall be made to include small business concerns.

§ 5.42 *Information and forms to be supplied to bidders.* Information as to the Government's requirements and necessary blank forms, including the form of contract to be used, shall be made available to prospective bidders in such form and detail, and with such instructions, that a binding acceptance of the successful bid may be made in advance of the execution of further contractual documents by the successful bidder.

§ 5.43 *Methods of soliciting bids.* Bids shall be solicited sufficiently in advance of the opening of bids to allow bidders adequate opportunity to prepare and submit bids. Bids shall be obtained by mailing or delivery to prospective bidders and posting at some appropriate public place the invitation to bid and accompanying forms. To the extent deemed necessary by the contracting officer in order to assure full and free competition, announcements of the essential details of a proposed procurement may also be made available for free publication to newspapers, and to trade journals and magazines circulating in the appropriate trades or industries. Announcements may be inserted as paid advertisements in newspapers only when

deemed necessary in order to secure effective competition, and in conformity with the requirements of applicable statutes, regulations of the General Accounting Office and GM bulletins. Invitations to bid and announcements shall clearly indicate the source of and means of obtaining additional information and papers essential to the preparation of a bid.

SUBMISSION OF BIDS

§ 5.51 *Method of submission.* In order to receive consideration bids must be submitted by a method authorized in the invitation to bid or instructions furnished to bidders in sufficient time to reach the designated office prior to the time fixed for the opening of bids. Bids received after the time fixed for opening shall be considered if received before award is made and if the failure to arrive on time was due solely to a delay in the mails or other mode of transmission authorized in the invitation for bids for which the bidder was not responsible.

§ 5.52 *Modification or withdrawal of bids.* Bids may be modified or withdrawn by written or telegraphic notice received prior to the time fixed for the opening of bids. After the bids have been opened none may be modified (except as provided in §§ 5.64 and 5.65) or withdrawn unless such modification or withdrawal is received before award is made, and either (a) failure of the modification or withdrawal to arrive prior to the time fixed for opening was due solely to a delay in the mails or other authorized mode of transmission for which the bidder was not responsible, or (b) modification is in the interest of the Government and not prejudicial to the other bidders.

OPENING OF BIDS AND AWARD OF CONTRACT

§ 5.61 *Opening of bids.* At the time fixed for opening, all bids which have been received shall be publicly opened and read aloud by the official designated to open the bids. Although the correct preparation of a bid is primarily the responsibility of the bidder, it is nevertheless the duty of the contracting officer, after the opening of the bids and prior to award, to examine all bids for minor informalities or irregularities and for obvious and apparent mistakes.

§ 5.62 *Rejection of bids.* Any bid which does not conform to the essential requirements of the invitation for bids shall be rejected, except that any such bid may be considered if consideration is in the interest of the Government and is not prejudicial to the other bidders. All bids may be rejected when rejection is in the interest of the Government.

§ 5.63 *Unreasonable or collusive prices.* Among the grounds for the rejection of all bids is a determination by the contracting officer that bid prices after formal advertising therefor are not reasonable (either as to all or some part of the requirements) or have not been independently arrived at in open competition. If negotiation is to be used after rejection of all bids on either of such grounds the requirements of § 5.83 (h) must be satisfied. Evidence that bids have not been independently arrived at shall be

transmitted to the General Counsel, Washington, D. C.

§ 5.64 *Minor informalities or irregularities in bids.* A bidder shall be given an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or, in the alternative, when it is not to the disadvantage of the Government, such deficiency may be waived if time does not permit the curing thereof.

§ 5.65 *Mistakes in bids—(a) Obvious clerical errors.* Any clerical mistake obvious or apparent on the face of a bid may be corrected prior to award if the bidder, in response to a request for verification of the bid, furnishes a statement as to such mistake.

(b) *Other mistakes.* In the case of a suspected or alleged mistake in a bid other than a clerical mistake obvious or apparent on the face of the bid, the bidder shall be requested, prior to award, to furnish either a verification of the bid or evidence in support of a mistake. If the bidder fails or refuses to furnish evidence in support of a mistake, the bid shall be considered in the form submitted. If evidence in support of a mistake is furnished, the case shall be referred to the Division of Finance, Washington, D. C., for processing. If limitations of time require that an award be made prior to a decision as to the relief, if any, to be given to the bidder alleging the mistake, and if there is no room for doubt as to the price or other terms intended in the bid in which a mistake occurs, then, pending processing of the case by the Division of Finance:

(1) In the case of a mistake in the lowest bid which as clearly intended would not be the lowest bid, such bid may be disregarded;

(2) In the case of a mistake in the lowest bid which as clearly intended would still be the lowest bid, award shall be made on the basis of such low bid as originally submitted but subject to correction if subsequently authorized by the General Accounting Office;

(3) In the case of a mistake in any bid other than the lowest bid, such bid shall be considered on the basis of its price or other terms as clearly intended.

§ 5.66 *Acceptance of bids.* Award shall be made with reasonable promptness by written notice of acceptance to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered.

§ 5.67 *Responsible bidder.* A responsible bidder is a bidder who possesses the financial, technical, and management abilities necessary to perform the contract and is otherwise eligible by law and under this part.

§ 5.68 *Factors in award other than price.* Among other factors besides price that may be considered in making an award are:

(a) Judgment, skill, and integrity of a bidder;

(b) Reputation and experience of a bidder, and prior work of a similar nature done by him;

(c) Foreseeable costs or delays to the Government resulting from differences in inspection, shipping, location of supplies, etc.;

(d) Time of performance, if the solicitation makes time a material factor;

(e) Changes made or requested in any of the provisions of the solicitation, to the extent that any such change does not constitute ground for rejection of the bid under § 5.62;

(f) Restrictions or conditions imposed in the bid;

(g) Advantages or disadvantages to the Government that might result from making multiple awards.

§ 5.69 Equal low bids. (a) When two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and all other factors properly to be considered), award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives: *Provided:*

(1) Subject to subparagraphs (2), (3), and (4) of this paragraph,

(i) In the case of equal low bids, one of which is submitted by a small business concern, as defined in § 5.24, award shall be made to the small business concern, and

(ii) In the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(2) Where two or more equal bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, designated as such by or on behalf of the President, award shall be made to the small business concern who will perform the contract in the distressed employment area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns who will perform the contract in a distressed employment area, award shall be made by a drawing by lot limited to the small business concerns in the distressed employment area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

(b) When award is to be made by lot and the information available shows that the product of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

SUBPART C—PROCUREMENT WITHOUT FORMAL ADVERTISING

USE OF PROCUREMENT WITHOUT FORMAL ADVERTISING

§ 5.71 General requirements. Procurement without formal advertising

shall be in conformity with this subpart. Minimum requirements relating to justifications in support of action under this subpart are set forth in §§ 5.301 and 5.304.

§ 5.72 Meaning of procurement without formal advertising. As used in this part, procurement without formal advertising means any method of procuring supplies or services by contract for which formal advertising is not required.

§ 5.73 Methods. Among the methods of procurement without formal advertising are the inviting of bids from qualified and responsible bidders without formal advertising, and negotiation. Under some circumstances the inviting of bids without formal advertising may nevertheless meet the advertising requirements of section 3709 of the Revised Statutes, as amended.

CIRCUMSTANCES PERMITTING PROCUREMENT WITHOUT FORMAL ADVERTISING

§ 5.81 Atomic Energy Act. The Atomic Energy Act of 1946 contains various exemptions from section 3709 of the Revised Statutes, as amended, where action without regard to the provisions of section 3709 of the Revised Statutes, as amended, is certified by the Commission to be necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable. The act also provides, in section 12 (b), that the President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

§ 5.82 Section 3709 of the Revised Statutes. Section 3709 of the Revised Statutes, as amended by section 9 (a) of the act of August 2, 1946, 60 Stat. 809, and as further amended by section 502 (e) of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, Public Law 152, 81st Congress, requires advertising for proposals to furnish supplies or services, but incorporates exceptions to the general rule. Section 3709, as amended, with the material exceptions, reads as follows:

Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed \$500, (2) when the public exigencies require the immediate delivery of the articles or performance of the services, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (a) of a technical and professional nature or (b) under Government supervision and paid for on a time basis. * * *

§ 5.83 Examples of circumstances where formal advertising is not required. Without limitation on the generality of the statutes cited or of this part, the following circumstances shall be deemed to be examples of cases where formal advertising is not required:

(a) The information necessary to be furnished bidders includes information classified "Confidential" or higher;

(b) Performance of the work called for under the contract will involve access to information classified "Confidential" or higher, and the contracting officer determines that it would not be practicable to obtain necessary security clearances of personnel of the successful bidder within a reasonable time after submission of the bid;

(c) It is determined by the contracting officer that work must be commenced prior to the development of adequate definitive data upon which bids might be solicited by formal advertising, in order to complete technical or production facilities within the time established by program requirements;

(d) It is determined by the contracting officer that it is impossible to draft, for a solicitation of bids, adequate specifications or plans or any other adequately detailed description of the required supplies or services;

(e) The services to be procured are architect-engineer services;

(f) The services to be procured are research or development services;

(g) The conditions prevail which are described in exceptions 1 to 4 in section 3709 of the Revised Statutes, as amended;

(h) It is determined by the contracting officer that bid prices after formal advertising are not reasonable or have not been independently arrived at in open competition and

(1) Notice of intention to negotiate and a reasonable opportunity to negotiate are given by the contracting officer to each responsible bidder whose bid has been rejected;

(2) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the contracting officer;

(3) The negotiated price is the lowest negotiated price offered by any responsible supplier.

§ 5.84 Determinations. Contracting officers shall seek the advice of counsel where there is any doubt as to the application of the foregoing examples or as to whether or not other circumstances in a particular case permit procurement without formal advertising. Records of determinations shall be prepared in conformity with §§ 5.301 and 5.304.

STANDARDS APPLICABLE WHERE PROCUREMENT WITHOUT FORMAL ADVERTISING IS PERMITTED

§ 5.91 General requirements. Where procurement without formal advertising is permitted the method of procurement selected and any negotiations thereunder shall nevertheless conform to the minimum standards set forth in §§ 5.91 to 5.93 and §§ 5.101 to 5.106.

§ 5.92 Assurance of competition. The method of procurement selected shall include the solicitation of proposals or bids, supported by cost or other information found necessary by the contracting officer, from all such qualified sources of supplies or services as he deems necessary in order to assure such full and free competition as is consistent with the

procurement of the required supplies or services, in accordance with the basic policies set forth in §§ 5.21 to 5.25.

§ 5.93 *Factors to be considered in contracting.* In negotiating or entering into a contract under this subpart, due attention shall be given to the following, and to any other appropriate factors:

(a) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to cost of transportation, cash discounts, and any other factors relating to price;

(b) Comparison of the business reputations and responsibilities of the respective persons or firms who submit quotations;

(c) Consideration of the quality of the supplies or services offered, or of the same or similar supplies or services previously furnished, with due regard to the satisfaction of technical requirements;

(d) Consideration of delivery requirements;

(e) Discriminating use of price and cost analyses;

(f) Investigation of price aspects of any important subcontract;

(g) Individual bargaining;

(h) Consideration of cost sharing;

(i) Effective utilization of the most desirable type of contract.

TYPES OF CONTRACTS

§ 5.101 *Authorized types of contracts.* Subject to the limitations prescribed by this subpart, and to any additional limitations prescribed under GM bulletins, contracts under this subpart may be of any type which will promote the best interest of the Government.

§ 5.102 *Examples.* Examples of types of contracts authorized under this subpart are:

(a) Fixed-price, lump-sum, or unit-price type;

(b) Incentive type;

(c) Cost-type, such as cost, cost-plus-a-fixed-fee, and time and material contracts.

§ 5.103 *Prohibition.* The cost-plus-a-percentage-of-cost system of contracting shall not be used.

§ 5.104 *Limitations on types other than fixed-price, lump-sum, or unit-price.* Prior to negotiating or entering into any contract of a type other than a fixed-price, lump-sum, or unit-price type, which otherwise conforms to this subpart, the contracting officer shall determine that procurement of the required supplies or services is impracticable without the use of the type of contract selected. A time and material type of contract shall not be used if any other type of contract is equally advantageous to the Government.

§ 5.105 *Limitations on fixed fees.* Fees negotiated on cost-plus-a-fixed-fee contracts shall be based upon the scope and extent of the services to be performed by the contractor, shall be fair and reasonable, and shall not exceed amounts prescribed by law or directions of the General Manager.

§ 5.106 *Letter agreements.* A letter agreement, where intended to be in-

corporated eventually in a formal contract, shall be superseded as promptly as possible by the formal contract.

SUBPART D—ADMINISTRATIVE PROVISIONS

§ 5.200 *Scope.* This subpart sets forth references to the procurement responsibility and authority of the General Manager, Directors of Divisions, and Managers of Operations, and prescribes minimum standards for justifications in support of awards by the Commission.

PROCUREMENT RESPONSIBILITY AND AUTHORITY WITHIN THE COMMISSION

§ 5.201 *General Manager.* The General Manager has been authorized and directed by the Commission to discharge the executive and administrative functions of the Commission, and to exercise the statutory authorities of the Commission in the discharge of those functions. The Deputy General Manager acts as alternate to the General Manager, and as General Manager in the absence of the General Manager.

§ 5.202 *Division Directors.* The procurement responsibility and authority of Division Directors is set forth in GM bulletins issued by the General Manager.

§ 5.203 *Managers of Operations.* The procurement responsibility and authority of each Manager of Operations is set forth in a GM bulletin issued by the Division Director having responsibility for the coordination and supervision of the Operations Office involved.

JUSTIFICATIONS IN SUPPORT OF THE AWARD OF CONTRACTS

§ 5.301 *General requirements.* Contracts to which either Subpart B or Subpart C applies shall be supported by justifications meeting the minimum basic requirements specified in this subpart. For every such contract U. S. Standard Form 1036 (Statement and Certificate of Award) shall be duly executed by the contracting officer, for the files of the General Accounting Office and for the files of the A. E. C. (except where special instructions on the reverse of Standard Form 1034 apply). The advice of counsel should be sought in connection with the preparation of Form 1036 for a contract exceeding \$500 in amount entered into without formal advertising, and in any other case where doubt exists as to the proper certification.

§ 5.302 *Requirements relating to contracts entered into pursuant to formal advertising under Subpart B.* A record of the date and distribution of all invitations to bid shall be maintained by the office of the Commission concerned. Upon the opening of bids the names of the bidders and the amounts bid shall be entered in an abstract or record, certified by the contracting officer, which shall be available for public inspection; and the hour and date of transmission of bids received after the time fixed for opening, if evident from the papers, shall also be recorded. An award to other than the lowest bidder as to price shall be supported by a complete statement of the reasons therefor. In each case where an award is made pursuant to subparagraphs (1), (2), (3), or (4) of § 5.69 (a),

U. S. Standard Form 1036 (or the reverse of U. S. Standard Form 1034, as the case may be) shall briefly recite the circumstances under which award was made and shall contain a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business or will further the President's policy with respect to distressed employment areas, or both, as the case may be.

§ 5.303 *Records concerning mistakes in bids.* Whenever a case of a mistake in a bid is referred to the Division of Finance in Washington, the following papers should accompany a copy of the bid which contains the suspected or alleged mistake:

(a) A copy of the invitation for bids;

(b) An abstract or record of bids received;

(c) A statement from the bidder, and any additional supporting evidence such as work sheets or other data used in preparing the bid, setting forth the complete facts on which the allegation of mistake is based and requesting such definite relief as withdrawal of the bid, change in bid, etc.; and

(d) A statement from the contracting officer showing the date when notice of the alleged mistake was received, and any additional information he may have as to the alleged mistake, together with his recommendations.

§ 5.304 *Requirements relating to contracts entered into without formal advertising under Subpart C.* Every contract exceeding \$500 in amount entered into without formal advertising shall be supported by justifications in narrative form for the files of the A. E. C., covering matters such as the following where applicable:

(a) A reference to the program basis for the contract;

(b) The circumstances upon the basis of which it is concluded that procurement without formal advertising is justified;

(c) The methods of solicitation employed and the information requested from sources of supplies or services, the distribution of and response to such solicitations or requests, and the basis upon which it is concluded that such solicitations or requests were sufficient to assure such full and free competition as is consistent with the procurement of the required supplies or services;

(d) The history of any negotiations, including the consideration given to appropriate factors, and the basis upon which it is concluded that the results of the negotiations are advantageous to the Government;

(e) If the contract is of a type other than fixed-price, lump-sum, or unit-price, the basis upon which it is concluded that procurement of the required supplies or services is impracticable without the use of the type selected.

SUBPART E—PROCUREMENT BY COST-TYPE CONTRACTORS

SCOPE AND APPLICATION

§ 5.401 *Scope.* This subpart sets forth basic policies to which cost-type contractors should adhere in procuring

supplies and services the cost of which is borne by the Commission, and provides for implementation of those policies.

§ 5.402 *Meaning of cost-type contractor.* The term "cost-type contractor" as used in this subpart means a contractor who has a prime contract with the Commission on a cost basis, or a subcontractor who has a subcontract on a cost-basis under such a prime contract provided all the preceding subcontracts, if any, in the contractual chain are also on a cost basis.

§ 5.403 *Limitations on applicability of this subpart.* A cost-type research or development contract which is not to be performed at an installation owned by or leased to the Government shall be exempt from mandatory application of the requirements of §§ 5.501 to 5.509 and § 5.601 if the quantity of procurement contemplated under the contract is not deemed substantial by the contracting officer.

§ 5.404 *Required approvals not affected.* Cost-type contracts include provisions requiring approvals by the Commission or its authorized representative of subcontracts and purchase orders. Nothing contained in this part shall be construed to abrogate or dispense with the requirements of any such contract provision.

BASIC POLICIES

§ 5.501 *Objective.* In securing supplies and services cost-type contractors shall effect the procurement in the manner most advantageous to the Government—price, quality, and other factors considered.

§ 5.502 *Government sources.* Requirements shall be met from Government sources if made available and if procurement from such sources is economically advantageous to the Government. Direct procurement by the Commission, rather than by a cost-type contractor, may be required where deemed necessary by the Commission or its authorized representative in order to carry out special requirements of appropriation acts or other applicable laws relating to particular items.

§ 5.503 *Sources other than Government sources.* Procurement from sources other than Government sources shall be effected by methods calculated to assure such full and free competition as is consistent with securing the required supplies or services.

§ 5.504 *Contractor-controlled sources.* A cost-type contractor shall notify the contracting officer sufficiently in advance of the proposed procurement of supplies or services from sources owned by or otherwise under its control to permit the Commission, at its option or by agreement with the cost-type contractor, to effect the procurement directly by competitive or other authorized methods.

§ 5.505 *Lists of prospective bidders.* Cost-type contractors shall be given access to or supplied with copies of lists of prospective bidders maintained by offices of the Commission.

§ 5.506 *Small business concerns.* A fair proportion of required supplies and services shall be procured from small business concerns (as defined in § 5.24).

§ 5.507 *Ineligible contractors and disqualified bidders.* Cost-type contractors may treat persons and firms as ineligible or disqualified to the extent that such persons or firms are so treated by the Commission and listed by offices of the Commission in accordance with § 5.25.

§ 5.508 *Types of subcontracts and purchase orders.* Types of subcontracts or purchase orders other than fixed-price, lump-sum or unit-price types shall not be used unless procurement of the required supplies or services is impracticable without the use of the type selected, but the cost-plus-a-percentage-of-cost type shall not be used in any event.

§ 5.509 *Justifications.* Each cost-type contractor shall maintain, and make available for review by the Commission, justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

IMPLEMENTATION OF BASIC POLICIES

§ 5.601 *Review by the Commission of specific procurement practices and procedures of cost-type contractors.* Written statements of the detailed procurement practices and procedures used or proposed to be used by cost-type contractors, and of the objectives intended to be accomplished by such practices and procedures, shall be submitted to contracting officers for review. Contracting officers are required to satisfy themselves that cost-type contractors follow procurement practices and procedures consistent with the basic policies set forth in §§ 5.501 to 5.509, with due regard to applicable contract provisions, and with reasonable tolerances and exemptions based on the amount or character of a transaction.

The provisions of this part are effective February 1, 1951.

Dated at Washington, D. C., this 18th day of December 1950.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 51-2527; Filed, Feb. 21, 1951;
8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of type 46 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administra-

tion, published July 8, 1950 (15 F. R. 4333).

§ 664.229 *1950 Crop; Puerto Rican Tobacco, Type 46, Advance Schedule.*¹

[Dollars per 100 pounds, farm sales weight]

| Grade | | Advance rate |
|-----------|----------------------|--------------|
| C1FB..... | Price block I..... | 39 |
| C1F..... | | |
| C1P..... | | |
| C1M..... | | |
| C3F..... | Price block II..... | 32 |
| C3P..... | | |
| C3M..... | | |
| C3T..... | | |
| X1F..... | Price block III..... | 24 |
| X1P..... | | |
| X2F..... | Price block IV..... | 18 |
| X2P..... | | |
| X3F..... | Price block V..... | 15 |
| X3P..... | | |
| X3PT..... | | |
| X3S..... | Price block VI..... | 12 |
| X4..... | | |
| Y1..... | | |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 19th day of February 1951.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2572; Filed, Feb. 21, 1951;
8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 42]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.669 is amended to read:

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* From the St. Louis, Mo., omnirange station via the Quincy, Ill., omnirange station; Ot-

¹ The organizations acting for growers in handling the loans are authorized to deduct \$1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

tumwa, Iowa, omnirange station to the Des Moines, Iowa, omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 20, 1951.

[SEAL]

L. C. ELLIOTT,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-2536; Filed, Feb. 21, 1951;
8:47 a. m.]

[Amdt. 45]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA AND CONTROL ZONE ALTERATIONS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.)*, is amended by changing the last sentence to read: "From the Wichita, Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route radials and the Wichita 15° north altitude change radial to its intersection with the Hutchinson, Kans.-Emporia, Kans. omnirange direct en route radials including all that area bounded on the north by the Hutchinson-Emporia direct en route radials, on the south by the Wichita-Emporia direct en route radials and on the west by the Wichita 15° north altitude change radial; Emporia, Kans., omnirange station to the Kansas City, Mo., omnirange station via the direct en route radials; Kansas City, Mo., omnirange station to the Columbia, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Columbia, Mo., omnirange station to the St. Louis, Mo., omnirange station via the direct en route and 15° north altitude change radials."

2. Section 601.212 is amended to read:

§ 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.)*. All of Red civil airway No. 12 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kansas City, Mo., omnirange station to the Kirksville, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Kirksville, Mo., omnirange station to the Burlington, Iowa, omnirange

station via the direct en route and 15° south altitude change radials.

3. Section 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to Wichita, Kans.)*, is amended by adding a last sentence to read: "From the Hutchinson, Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route and 15° north altitude change radials."

4. Section 601.289 is amended to read:

§ 601.289 *Red civil airway No. 89 control areas (St. Louis, Mo., to Peoria, Ill.)*. All of Red civil airway No. 89 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kirksville, Mo., omnirange station to the Quincy, Ill., omnirange station via the direct en route and 15° south altitude change radials.

5. Section 601.613 is amended to read:

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.)*. All of Blue civil airway No. 13.

6. Section 601.669 is amended to read:

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa)*. All of Blue civil airway No. 69 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the St. Louis, Mo., omnirange station to the Quincy, Ill., omnirange station via the direct en route and 15° east altitude change radials; Quincy, Ill., omnirange station to Ottumwa, Iowa, omnirange station via the direct en route and 15° east altitude change radials; Ottumwa, Iowa, omnirange station to Des Moines, Iowa, omnirange station via the direct en route and 15° south altitude change radials and via the intersection of the Ottumwa 306° True and the Des Moines 85° True radials.

7. Section 601.1001 is added to read:

§ 601.1001 *Control area extension (Moses Lake, Wash.)*. All that area south of Green civil airways No. 2 within a 30-mile radius of the Larson AFB, Moses Lake, Wash., excluding the portions which overlap the Moses Lake Danger Area and the Hanford, Wash., Airspace Reservation.

8. Section 601.1043 is amended to read:

§ 601.1043 *Control area extension (Bowling Green, Ky.)*. From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

9. Section 601.1061 is added to read:

§ 601.1061 *Control area extension (Mt. Clemens, Mich.)*. From the Selfridge AFB radio range station extending 5 miles either side of the north

course of the radio range to a point 50 miles north of the radio range station, including all that area bounded on the south by Red civil airway No. 1, on the west by Red civil airway No. 20, on the north by Red civil airway No. 63, and on the east by the International Boundary (St. Clair River) southward to Lat. 42°27'30", Long. 82°44'40".

10. Section 601.1187 is amended to read:

§ 601.1187 *Control area extension (Jackson, Mich.)*. From the Jackson, Mich., non-directional radio beacon extending 5 miles either side of a 313° True bearing from the non-directional radio beacon to a point 25 miles northwest, and all that area south of the non-directional radio beacon bounded on the north by Red civil airway No. 63, on the east by Red civil airway No. 62, on the south by Red civil airway No. 12, and on the west by Red civil airway No. 57.

11. Section 601.1984 is amended by deleting the following airport:

Tacoma, Wash.: McChord Field

and by adding the following airport:

Moses Lake, Wash.: Larson AFB

12. Section 601.2121 is amended to read:

§ 601.2121 *Rockford, Ill., control zone*. Within a 5 mile radius of the Machesney Airport and within a 5 mile radius of the Greater Rockford Airport, extending 2 miles either side of a 182° True bearing from the Rockford radio range station to the Greater Rockford Airport, and extending 2 miles either side of the west and northwest courses of the Rockford radio range from the radio range station to points 10 miles west and northwest of the radio range station.

13. Section 601.2226 is amended to read:

§ 601.2226 *Springfield, Ill., control zone*. Within a 5 mile radius of Capital Airport, Springfield, Ill., extending 2 miles either side of the southwest course of the Springfield radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 36° magnetic radial of the Springfield, Ill., omnirange station to a point 10 miles northeast of the omnirange station.

14. Section 601.2281 is added to read:

§ 601.2281 *Tacoma, Wash., control zone*. Within a 5 mile radius of McChord AFB, excluding the portion which overlaps the Fort Lewis, Wash., danger area.

15. Section 601.2282 is added to read:

§ 601.2282 *Mt. Clemens, Mich., control zone*. Within a 7 mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

16. Section 601.2283 is added to read:

§ 601.2283 *Atlanta, Ga., control zone*. Within a 5 mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., February 20, 1951.

[SEAL]

L. C. ELLIOTT,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-2535; Filed, Feb. 21, 1951;
8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 44]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 374—PROJECT LICENSES

PART 381—ENFORCEMENT PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Paragraph (d) *Data supplementing the license application* is amended by adding thereto a new subparagraph (5) to read as follows:

(5) *Statement; commodities added to Positive List.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statement during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee and end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and the consignee, or other documents from such consignee.

2. Section 374.51 *Supplement 1; list of restricted commodities* is amended by adding thereto the following commodities:

| Positive List commodities | Effective date |
|---|----------------|
| Carbon black (contact and furnace): Schedule B Nos. 842310, 842350 | Mar. 10, 1951 |
| Sulfur (crude, crushed, ground, refined, sublimed, and flowers): Schedule B Nos. 571400, 571500 | Mar. 10, 1951 |

3. The following interpretations are inserted at the end of § 381.4, *Destination control*:

INTERPRETATIONS

1. Q. Who other than the shipper is authorized to insert the ultimate destination con-

1 This amendment was published in Current Export Bulletin No. 607 dated February 15, 1951.

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trol statement on the export declaration, the bill of lading and the commercial invoice, as provided by Current Export Bulletin 600 (§ 381.4)?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 381.4 (c) (1) on the bill of lading, shipper's export declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If carrier prepares the bill of lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., an authenticated shipper's export declaration or a validated license, or a properly executed shipper's export declaration given to the carrier for submission to collectors for authentication containing the statement.

2. Q. If shippers or their agents located in inland cities forward to carriers at ports of exit export declarations, bills of lading, and commercial invoices without having inserted the ultimate destination control statement, is it necessary for the carrier to return the documents to the shipper or his agent?

A. If shipper's export declaration presented to the carrier does not contain the ultimate destination control statement, the carrier cannot add such statement to the declaration unless specifically authorized by exporter, nor can the carrier issue a bill of lading containing the statement until exporter or his authorized forwarding agent has placed the statement on the declaration and the declaration has been authenticated by the collector. The carrier may not insert the statement on any shipper's export declaration or commercial invoice accompanying the shipment, unless authorized by designation as provided in case of forwarding agents.

3. Q. Is the collector responsible for checking as to the ultimate destination control statement on the bill of lading and on invoices, as well as on the export declaration?

A. Collectors of customs have the responsibility for checking as to the ultimate destination control statement on all shipper's export declarations submitted for authentication, and should ascertain that the inscription has been placed on any bills of lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, collectors may, wherever they deem it appropriate, to assure compliance with the regulations, check the bill of lading or commercial in-

voices as to the ultimate destination control statement or other matters.

4. Q. Do the destination control provisions apply to Positive List commodities exported under such general licenses as GLV, BAGGAGE and TOOLS OF TRADE?

A. The provisions of § 381.4 apply to GLV shipments and to shipment of Positive List commodities under any other general license where an export declaration is required. However, no ultimate destination control statement is required on declarations of commodities exported under general license BAGGAGE.

5. Q. Does this section apply to intransit shipments?

A. The ultimate destination control statement is not required for shipments made under general license GIT, but is required for intransit shipments of commodities excepted from GIT (CES 371.9(c)), and for commodities moving in transit to Subgroup A, Hong Kong, and Macao.

6. Q. Does § 381.4(g) apply only to ship's manifest?

A. The paragraph applies only to customs outward foreign manifest.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Supp. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 15, 1951, except that Part 2 thereof shall become effective as of March 10, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-2486; Filed, Feb. 21, 1951;
8:45 a. m.]

[5th Gen. Rev. of Export Regs., Amdt.
P. L. 381]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|----------------------------------|---|-----------|---|-------------------------|----------------------------|
| 208610 | Rubber (natural, allied gums, and synthetics) and manufactures: Rubber and balata belts and belting: Transmission belts and belting: V-belts | Lb. | RUBR 11 | 25 | R |
| 209800 | Compounds of rubber or latex for use in further manufacture: Plutonium | Lb. | RUBR 13 | 25 | R |
| 218600 | Naval stores, gums, and resins: Shellac (bleached and unbleached) | Lb. | AGCH | 25 | R |
| 302000 | Cotton manufactures: Cotton cloth, duck and tire fabric: Unbleached (gray) cloth; Cord tire fabric | Sq. yd. | TEXT | None | R |
| 303900 | Airplane cloth and balloon fabric | Sq. yd. | TEXT | None | R |
| 302200 | Wool semimanufactures: Wool rugs, woven and knit | Lb. | TEXT | 250 | RO |
| 302600 | Wool nolls and waste, mill waste (garnetted, picked, and carded included) | Lb. | TEXT | 250 | RO |
| 302800 | Wool tops (tops of hair included) | Lb. | TEXT | 250 | RO |
| 303300 | Wool yarns | Lb. | TEXT | 250 | RO |
| 401700 | Wood, unmanufactured: Port Orford cedar logs (including Lawson's cypress) | M bd. ft. | LUMB | None | R |
| 405720 | Sawnmill products: Softwood lumber (including rough-sawn, dressed, and worked or patterned and also including softwood flooring) (shippers report thickness and grade where indicated); Port Orford cedar (including Lawson's cypress) (state grade). | M bd. ft. | LUMB | None | R |

RULES AND REGULATIONS

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|----------------------------------|--|---------|---|-------------------------|----------------------------|---|----------|---|-------------------------|----------------------------|
| 42940 | Wood manufactures: Port Orford cedar battery separators and blanks (report separator veneers on basis of four separators to one square foot of veneer) (include all Port Orford cedar veneers). | M. | CDGS | None | R | Construction, excavating, and conveying machinery: Construction equipment, and parts, n. e. s. ¹ Jacks for construction use. Other industrial machinery. | | GIEQ | None | R |
| 40200 | Paper base stocks: Sulfite wood pulp, bleached, other than rayon and special chemical grades. | S. ton. | PULP | 250 | RO | Insulating machines, and parts, n. e. s. ¹ Textile insulating machines and parts in 754000. | No. | GIEQ | 100 | R |
| 40400 | Sulfite wood pulp, unbleached. | S. ton. | PULP | 250 | RO | Agricultural machinery and implements: Power sprayers, and dusters. | No. | AGMT | 100 | R |
| 40600 | Sulfate wood pulp, unbleached. | S. ton. | PULP | 250 | RO | Automobiles, parts, accessories, and service equipment: Other automobile service appliances, and parts. | | GIEQ | None | R |
| 40800 | Sulfate wood pulp, bleached. | S. ton. | PULP | 250 | RO | Jacks for garage use. | | TRAN | 25 | R |
| 40900 | Sulfate wood pulp, semi-bleached. | S. ton. | PULP | 250 | RO | Parts and accessories, for naval craft (for naval purposes), except engines. ⁴ | | TRAN | None | R |
| 40900 | Groundwood pulp. | S. ton. | PULP | 250 | RO | Railway cars. | No. | TRAN | None | R |
| 40900 | Other wood pulp and screenings. | S. ton. | PULP | 250 | RO | Railway cars, for track inspection and maintenance. | No. | TRAN | None | R |
| 421700 | Glass and products: Bullet-proof glass. | BLDG | BLDG | None | R | Coal-tar products: | | | | |
| 423100 | Opthalmic glass and glass blanks. | SATE | SATE | 250 | R | Coal-tar acids, crude and intermediate: | | | | |
| 530100 | Refractories (firebrick and other) (brick and shapes reported in thousands, 6-inch equivalent): | BLDG | BLDG | 25 | R | Adipic. | Lb. | COTA | 60 | R |
| 530300 | Chrome (and chrome-magnesite) brick and shapes. | BLDG | BLDG | 25 | R | Medicinal and pharmaceutical preparations: | | | | |
| 530300 | Magnesite (and magnesite-chrome) brick and shapes. | BLDG | BLDG | 25 | R | Biologics (all forms): | | | | |
| 005000 | Steel mill products: | | | | | For animal and veterinary use. | | DRUG | 25 | R |
| 005000 | Maltable (except scrap). | Lb. | STEE | 100 | R | Serums, antitoxins, and toxoids, for human use. | | DRUG | 25 | R |
| 005000 | Cast-iron pressure pipe. | Lb. | STEE | 1,000 | R | Vaccines for human use. | | DRUG | 25 | R |
| 005000 | Cast-iron pressure pipe fittings. | Lb. | STEE | 100 | R | Agar-agar (culture medium). | | DRUG | 25 | R |
| 617000 | Iron and steel pipe fittings. | Lb. | STEE | 100 | R | Glutathione products, n. e. s. (specify by name). | | DRUG | 25 | R |
| 617000 | Tools (iron and steel chief value): | | | | | Chemical specialties. | | | | |
| 617000 | Jacks, hand-operated, over 10 tons (including hand-operated hydraulic jacks (report jacks for construction use in 723100; jacks for engine use in 703180) and other industrial jacks in 776000). | | | | | Synthetic resins. | | | | |
| 630000 | Aluminum and manufactures: | | | | | Cellulose acetate, cellulose acetate-butyrate, and cellulose acetate-propionate. | | | | |
| 630000 | Aluminum base alloys: | | | | | Molding powders, granules, and pellets. | | | | |
| 630000 | Woven-wire insect screen cloth. | Lb. | NONF | 25 | R | Chemical specialty compounds, n. e. s. ¹ | | RESN | 66 | R |
| 630000 | Matrices and matrix materials. | Lb. | NONF | 1,000 | R | Silica gel. | | SALT | 25 | R |
| 640100 | Copper ore and concentrates. | Lb. | NONF | 500 | R | Mixtures of diphenyl and diphenyl oxide (Dowtherm). | | SALT | 25 | R |
| 640100 | Copper ore and concentrates. | Lb. | NONF | 500 | R | Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.). | | SALT | 25 | R |
| 640100 | Nickel ore and concentrates. | Lb. | NONF | 500 | R | Cellulose acetate, flake, waste, and scraps, not plasticized. | | ORGN | 67 | R |
| 640100 | Precious metals and plated ware, except jewelry, precious metals for dentistry, gold and silver ore, bullion and coin: | | | | | Ammonium compounds, n. e. s. ¹ | | SALT | 100 | R |
| 640100 | Platinum and allied metals: | | | | | Urea. | | SALT | 100 | R |
| 640100 | Ingot, sheets, wire, alloys, and scrap: | | | | | Photographic and projection goods: | | | | |
| 640100 | Platinum bars, ingots, sheets, wire sponge, and other forms (scrap included). | T. oz. | NONF | 25 | R | Motion-picture films, unexposed: | | | | |
| 640100 | Electrical machinery and apparatus: | | | | | Sensitized, 35 mm. | | | | |
| 640100 | Motors, starters, and controllers, except self-syns, auto-syns, and other synchronous transmission systems: | | | | | Negative film. | Lin. ft. | FILM | 25 | R |
| 640100 | Motors, 5 up to, but not including, 50 horsepower ¹ : | | | | | Sensitized, 16 mm. | Lin. ft. | FILM | 25 | R |
| 640100 | Other starting and controlling equipment, and parts, for industrial motors, 5 up to, but not including, 50 horsepower ² : | | | | | Negative film. | Lin. ft. | FILM | 25 | R |
| 640100 | Accessories and parts, for other electric motors, 5 up to, but not including 50 horsepower ³ : | | | | | Negative film. | Sq. ft. | FILM | 25 | R |
| 640100 | Other electrical apparatus: | | | | | Other sensitized films, unexposed: | | | | |
| 640100 | Starting, lighting, and ignition equipment, except spark plugs. | | | | | Cartridge or rolls. | | | | |
| 640100 | Engines, turbines, and parts, n. e. s. ¹ : | | | | | X-ray film, all types (medical, dental, or industrial), sheet, pack, or roll. | | | | |
| 640100 | Steam engines, boilers, and accessories: | | | | | Scientific and professional instruments, apparatus, and supplies, n. e. s. ¹ | | | | |
| 640100 | Gas turbines. | | | | | Other microscopes, parts and accessories, including stereoscopic microscopes, binocular microscopes and monocular microscopes. ³ | | SATE | None | R |

¹ By this amendment the entry on the Positive List for Schedule B No. 704200 will read as follows: "Motors 5 up to and including 200 horsepower, GLV \$100, validated license required R."

² By this amendment the second entry on the Positive List for Schedule B No. 704800 will read as follows: "Other starting and controlling equipment, and parts, for industrial motors, 5 horsepower and over, GLV \$100, validated license required R."

³ By this amendment the second entry on the Positive List for Schedule B No. 705500 will read as follows: "Accessories and parts for other electric motors, 5 horsepower and over, GLV \$100, validated license required R."

⁴ Turrets for naval vessels; armor plate for naval vessels; mine layer parts and accessories; mine sweeper parts and accessories; and mine trawler parts and accessories require export authorization from the Department of State. See § 370.3.

⁵ Metallurgical microscopes and parts; electron microscopes and parts, Schedule B No. 914900, are already on the Positive List.

2. The following commodities are changed from R to RO commodities. Accordingly, the entry therefor on the Positive List is amended to read as follows:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|----------------------------------|---|---------|---|-------------------------|----------------------------|
| 480100 | Paper base stocks: Rayon and special chemical grades of bleached sulfite wood pulp. | S. ton. | PULP | 100 | RO |

Section 399.3 Appendix C—Commodity Processing Codes is amended by changing the processing codes for certain commodities, as follows:

| Dept. of Commerce Schedule B No. | Commodity | Processing code |
|----------------------------------|--|-----------------|
| 093500 | Other inedible animals and animal products: | |
| 099920 | Bristles, sorted, bunched, or prepared | TEXT |
| | Shells, unmanufactured | MEAT |
| 218000 | Naval stores, gums, and resins: | |
| 218600-218998 | Chicle and chewing gum bases | FOOD |
| | Shellac and natural gums and resins | AGCH |
| 220919-220939 | Drugs, herbs, leaves, and roots, crude: | |
| | Pyrethrum and rotenone-bearing roots | DRUG |
| 293100-293500 | Miscellaneous vegetable products, inedible: | |
| 299993 | Broomcorn and brooms | TEXT |
| | Vegetable ivory or tagua nuts | AGCH |
| 421601-422800 | Wood manufactures: | |
| | Veneers, plywood, shingles, doors, window sash, window and door frames, blinds, shades, screens, curtains, trim and moldings | CDGS |
| 423990 | Millwork and house fixtures, n. e. s. | BLDG |
| 424050-424070 | Built-up laminated or prefabricated shapes, and structures of wood, except prefabricated and ready-cut houses | BLDG |
| 428500-429480 | Handles, pencil slats, battery separators and blanks | CDGS |
| 430000-430600 | Cork and manufactures | CDGS |
| 545510 | Other nonmetallic minerals (precious included): | |
| | Asbestos textile and yarn | BLDG |
| 723100 | Construction, excavating, and conveying machinery: | |
| | Jacks for construction use | GIEQ |
| 784200 | Agricultural machinery and implements: | |
| | Lawn mowers, hand and power | AGMT |
| 793180 | Automobiles, parts, accessories, and service equipment: | |
| | Jacks for garage use | GIEQ |
| 811100 | Medicinal and pharmaceutical preparations: | |
| | Castor oil, medicinal grade | DRUG |
| 829100 | Chemical specialties: | |
| | Shoe polishes and shoe cleaners | CDGS |
| 829590 | Synthetic flavoring extracts | SUBT |
| 829600 | Pectin and preparations | FOOD |
| 829910 | Antiknock compounds not of petroleum origin | PETR |
| 873400-877000 | Soap and toilet preparations: | |
| | Dentifrices, toilet powders and cosmetics | DRUG |

¹ Glue and animal origin, Schedule B Nos. 094205-094298, retains the processing code of CDGS.

² Cooperage and cooperage stock, n. e. s., Schedule B No. 420990, retains the processing code of LUMB.

³ By this amendment the processing code for the present listing in the Positive List under Schedule B No. 545510 is also changed from TEXT to BLDG.

⁴ Construction equipment and parts, n. e. s., Schedule B No. 723100, other than jacks retains the processing code of CONS.

⁵ The commodity processing codes are amended by the addition of this listing to the two listings now included under Schedule B No. 793180.

⁶ By this amendment the processing code for the present listing in the Positive List under Schedule B No. 829910 is also changed from PLAT to PETR.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including March 17, 1951. Any such shipment not laden aboard the exporting carrier on or before March 17, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 20, 1951, 12:01 a. m.

LORING K. MACY,
Deputy Director,

Office of International Trade.

[F. R. Doc. 51-2573; Filed, Feb. 21, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 5]

GCPR, SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 5 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

During the base period established by the General Ceiling Price Regulation, many retail dealers in new automobiles were not following any uniform practice in fixing the delivered prices of new automobiles. Some dealers added arbitrary amounts to the manufacturer's suggested retail price. Others increased the charge for services supplied in preparing the

automobile for delivery. Still others increased their charges for miscellaneous services, such as undercoating, glazing, etc. As a result, the ceiling prices for new automobiles do not reflect the substantial uniformity of pricing in the same geographical area that customarily existed.

This regulation is designed to correct the lack of substantial uniformity in the established ceilings and to correct evasive practices. The formula prices established by this regulation effect no substantial change in the general level of prices for new automobiles established by the General Ceiling Price Regulation.

A somewhat similar but more serious situation was presented with respect to ceiling prices for used automobiles. During the base period established in the General Ceiling Price Regulation and for some months prior thereto, sellers of used cars departed from their established practices of fixing the resale price for their used cars in line with the national pattern publicized by the several used car guides. The vast majority of the dealers in used cars have for many years used one or more of these guides as a basis for purchases and sales. This regulation requires a continuance of this practice and thus re-establishes the long-practiced custom of the industry. The five official guides listed in the regulation, so far as can be ascertained, are the only ones commonly referred to by used car dealers. Several of the listed official guides are issued on a regional basis and two of them are currently limited in their use to specific areas as indicated in the regulation. The regulation, therefore, requires that any dealer choosing an official guide must choose one which is applicable to the region in which he is located. Again, as in the case of new cars, it appears that the level of prices established for the sale of used cars by this regulation will not vary substantially from the general level of prices established by the General Ceiling Price Regulation since the sellers are required to use the January 1951 issue of the guide which reflects that level of prices.

This supplementary regulation is issued as a temporary means of correcting the pricing problems in this industry which have arisen by reason of the General Ceiling Price Regulation. Many urgent requests from members of the industry for immediate action in this area have been received and all the requests urge the action in order that individual sellers and buyers may have a clearer basis upon which to establish the ceiling prices for their transactions. No formal consultations with representatives of the industry have been possible because of the urgency of the situation. The regulation, however, will serve as an interim measure until a permanent industry regulation can be prepared with the advice of representatives of the industry and put into effect.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 5 to General Ceil-

ing Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

Sec.

1. Applicability.
2. Definitions.
3. Ceiling prices for new automobiles.
4. Ceiling prices for used automobiles.
5. Prohibitions.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. Applicability. (a) This supplementary regulation establishes the ceiling prices for retail sales of certain new automobiles and for all sales of certain used automobiles. It applies not only to sales by dealers but also to sales by individual private owners. These ceiling prices supersede the ceiling prices for these commodities established under the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable in the United States, its territories and possessions, and the District of Columbia.

SEC. 2. Definitions. (a) "New automobile" means any automobile (designed primarily for the carriage of passengers, whether intended for passenger or commercial or other use), including its standard equipment, having a seating capacity of less than eleven persons, and for which the manufacturer published a suggested price for sale at retail. It does not include any used automobiles or custom-built automobiles or any automobile for which the manufacturer has not published a suggested price for sale at retail as, for example, certain foreign makes of automobiles.

(b) "Sale at retail" means any sale of a new automobile, the ceiling price for which sale is not established by CPR 1 (New Passenger Automobiles).

(c) "Manufacturer" means any person who produced a new automobile the ceiling price for whose sales of automobiles are established by CPR 1.

SEC. 3. Ceiling prices for new automobiles. The ceiling delivered price for a new automobile for sale at retail shall be the sum of the following items:

(a) The manufacturer's suggested list price in effect prior to January 26, 1951. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951 may be used.

(b) A charge for any extra, special or optional equipment requested by the customer in writing and attached to the automobile (this charge shall not exceed the manufacturer's suggested list price

for the equipment or the suggested list price of the producer of the equipment, as the case may be, in effect on January 26, 1951, but may include the ceiling price established under the General Ceiling Price Regulation for installation of the equipment, if a charge for installation was customarily made during the period December 19, 1950 to January 25, 1951, inclusive).

(c) A charge for covering transportation costs, if any, which shall not exceed actual rail freight at carload rate by the most direct route.

(d) A charge equal to the charges made by the seller's suppliers to cover federal excise taxes on the new automobiles and on any extra, special or optional equipment supplied.

(e) A charge equal to the seller's expense for any state and local taxes imposed on the sale of the new automobile and of any extra, special or optional equipment supplied.

(f) The ceiling price established under the General Ceiling Price Regulation for preparing and conditioning the new automobile for delivery.

(g) The ceiling price established under the General Ceiling Price Regulation for any other service (such as undercoating, glazing, polishing, etc.) requested in writing by the customer and customarily performed on new cars by the seller.

The ceiling delivered price established by this section is the price for sales for cash. The dealer may sell on other terms when requested in writing by the purchaser. Any device by which the seller increases his total realization on the sale of a new automobile over his total realization on the sale of the same model during the period December 19, 1950 to January 25, 1951, inclusive, is an evasion of this regulation (such a device, for instance, would be a decrease in the allowance for a used car, if any, taken in trade, below its reasonable value to the dealer, which value should be related to the ceiling price for the used car established by Section 4).

SEC. 4. Ceiling prices for used automobiles. (a) The ceiling price for any used car shall be the highest price listed for that make and model in the January 1951 issue of the used car guide listed in this section 4, which the seller customarily used in the period December 19, 1950 to January 25, 1951, except (1) the ceiling price of any model used car currently being manufactured by the manufacturer shall be the ceiling delivered price of the car when new determined under section 3 of this regulation; and (2) in no event shall the price exceed the ceiling delivered price of the car when new, computed under the formula stated in section 3 of this regulation.

(b) If the used car is older than the oldest model of that make shown in the guide which the seller uses, the ceiling price shall be the ceiling price of the oldest model of that make in that guide.

(c) The ceiling price may be increased by the amount of the used equipment price for any radio, heater, or optional transmission or drive which is furnished with the car and for which a used equip-

ment price is separately listed in the guide which the seller uses.

(d) If the guide does not list any model of the used car, the ceiling price shall be determined under the provisions of the General Ceiling Price Regulation.

(e) If the seller did not customarily use any guide listed in this section 4 during the period December 19, 1950 to January 25, 1951, inclusive, he must select one of the listed guides upon which to base his ceiling price, and thereafter base his ceiling price only on the January 1951 issue of the official guide which he has selected.

(f) In each case the seller's ceiling price shall be the price shown in the guide for the region in which the seller's place of business is located. In the case of a sale by a person not in the business of selling used cars, the seller must select the issue of the guide applicable to the region in which he makes delivery of the car to the buyer.

(g) Every seller of used cars except persons not in the business of selling used cars must file with the nearest District Office of the Office of Price Stabilization a statement in writing showing the guide he used during the period December 19, 1950 to January 25, 1951, inclusive, or the guide which he has selected, as the case may be.

The following is a list of the guides:

N. A. D. A. Official Used Car Guide
Red Book National Used Car Market Report
Blue Book National Used Car Market Report
Wisconsin Automotive Valuation Guide (this guide may be used only by sellers in the State of Wisconsin)
Kelly Blue Book (this guide may be used only by sellers in the States of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington).

SEC. 5. Prohibitions. After the date of this regulation, regardless of any contract or other obligation, no person shall sell, dispose of, or deliver a new or used automobile, and no person shall buy or receive a new or used automobile at a price in excess of the ceiling price determined in accordance with the provisions of this regulation. No person shall agree, offer, solicit, or attempt to do anything prohibited by this regulation.

SEC. 6. Miscellaneous. All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof shall continue to apply to the sale of the commodities covered by this regulation. These provisions include but are not limited to enforcement and penalty provisions and provisions for the keeping of records.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 2d day of March 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2630; Filed, Feb. 21, 1951; 9:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders
[Public Land Order 700]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PUR- CHASE AS HOME SITES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites,

and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests in Alaska, and restored, subject to valid existing rights, for purchase as home sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (U. S. C. title 48, sec. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2757, lot 9, 4.48 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Home site No. 83, Porcupine Creek Group).

On south shore of Boswell Bay, tract E, 4.47 acres; latitude 60°24' N., longitude 146°08' W. (Home site No. 94, Boswell Bay Group).

U. S. Survey No. 2533, lot H, 4.90 acres; latitude 60°21'28" N., longitude 149°21'20" W. (Home site No. 71, Lakeview Group).

The following tracts which are on the north shore of Kenai Lake:

Home site No. 107; 1.08 acres, latitude 60°30'12" N., longitude 149°45'30" W.
Home site No. 108; 2.29 acres, latitude 60°30'12" N., longitude 149°46'59" W.
Home site No. 111; 1.12 acres, latitude 60°30'12" N., longitude 149°45'30" W.

TONGASS NATIONAL FOREST

U. S. Survey No. 2806, lot 10, 3.84 acres; latitude 55°29' N., longitude 131°48' W. (Home site No. 853, Clover Pass Group.)

On west shore of Wrangell Narrows, Kupreanof Island, in sec. 33, T. 48 S., R. 79 E., C. R. M., 4.27 acres; (Home site No. 893).

On northeast shore of Funter Bay, 4.50 acres; latitude 58°15'20" N., longitude 134°51'20" W. (Home site No. 335).

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 16, 1951.

[F. R. Doc. 51-2528; Filed, Feb. 21, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 942]

NEW ORLEANS, LA., MILK MARKETING AREA

NOTICE OF RULE MAKING WITH RESPECT TO PROPOSED SUSPENSION OF CERTAIN PRO- VISIONS OF THE ORDER, AS AMENDED, REG- ULATING THE HANDLING OF MILK

Notice is hereby given that, pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension of all of the provisions contained in paragraph 7 of § 942.5 (a) of the order, as amended (7 CFR Part 942), regulating the handling of milk in the New Orleans, Louisiana, milk marketing area, with respect to all milk received from producers or cooperative associations of producers on and after the first day of March 1951.

In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), all persons who desire to submit oral or written data, views or arguments with respect to the necessity for the action under consideration, will be given an opportunity to do so at a public meeting to be held in Lenfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, at 10 a. m., c. s. t., on February 23, 1951. All written evidence and exhibits presented at the hearing should be submitted in quadruplicate.

The Solicitor is hereby authorized to designate the officer or officers to preside at the meeting.

Issued this 20th day of February 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-2629; Filed, Feb. 21, 1951; 9:40 a. m.]

[7 CFR, Part 961]

[Docket No. AO-160 A-11 Rol]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKET- ING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on January 25, 26, and 27, 1950, pursuant to a notice thereof which was issued on January 18, 1950 (15 F. R. 366), on April 19, 20, and 21, 1950, pursuant to notice thereof which was issued on April 12, 1950 (15 F. R. 2146), on May 10, 11, and 12, 1950, pursuant to notice thereof issued on May 3, 1950 (15 F. R. 2687), and on November 21, 1950, pursuant to notice thereof issued on October 20, 1950 (15 F. R. 7139).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on January 15, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 19, 1951 (16 F. R. 502; F. R. Doc. 51-956).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 502; F. R. Doc. 51-956) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the following additional findings and con-

clusions which modify the findings and conclusions of the recommended decision.

Handlers took exception to the conclusion that the proposed Class I price formula should be adopted. While they found little fault in the construction of this formula, they objected to the adoption of the formula method for the determination of the Class I price on the grounds that (1) statistical devices for this purpose are inherently unreliable because they cannot correctly reflect all the factors and considerations involved, and (2) the formula method would introduce instability in the Philadelphia market where present methods of price determination have resulted in notable stability. In the light of the record such exceptions must be denied. In the record there is reference to the successful employment of formulas for this purpose under all other Federal milk marketing orders. More pertinent is the persuasive evidence of the merits of the particular formula recommended for the Philadelphia market constructed from the complete record of the practices and relationships peculiar to that market. Reliance upon it would seem from the evidence to enhance the assurance of properly adjusted prices under the order. Stability would be promoted by relating price movements to factors which, while not encompassing the entire range of price making influences, must inevitably be reflected in price.

Inter-state Milk Producers' Cooperative, Inc., took exception to the exclusion from the formula index of handlers' Class I sales outside the marketing area. It was argued, in the exception, that out-of-area sales may be expected to increase relative to in-area sales because of the greater rate of growth of suburban population, and that the most variable part of out-of-area sales is relatively small compared to total sales.

Class I sales of Philadelphia handlers outside the marketing area were not recommended in the Administrator's de-

cision for use in the formula because of the relatively large variability apparently due in a large part to fortuitous and unusual sales not normally part of handlers' regular operations in supplying this market. It appears that an index including all outside sales made in nearby areas would account for most out-of-area sales, and would at the same time largely exclude the occasional sale made to distant areas. Philadelphia handlers do ordinarily sell milk for Class I use in districts adjacent to the marketing area in Pennsylvania, New Jersey, and Delaware. Sales of Class I milk to handlers operating in Pennsylvania secondary markets would not logically be a normal part of Philadelphia handlers' operations since Pennsylvania secondary markets are within the area where reserve supplies are generally available from sources not regulated under the order.

Although the index of total Class I sales has not, during the effective period of the order, shown any tendency to increase more than in-area sales, there is a possibility that outside sales may be in the future relatively larger in relation to in-area sales than in the past. Accordingly, the producer exception is granted to the extent of including in the index those out-of-area sales which normally could be expected to be made by Philadelphia handlers in areas adjacent to the marketing area. This could be accomplished by including in the index all Class I sales except of milk moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area. Such an index should be adjusted for seasonal variation by using the seasonal index for total Class I sales developed by the Philadelphia Class I Milk Price Committee for current use. The monthly values of such an index should be computed by dividing daily average total Class I sales by 16,640, which is the estimated average daily Class I sales during the base period of 1936-1940.

Handlers and Inter-State Milk Producers' Cooperative, Inc., excepted to the part of the proposed formula which would raise or reduce the Class I price depending on the 12-month percentage of receipts in relation to Class I sales. Handlers, in their exceptions, assumed that this device might cause price changes within a calendar quarter. The proposed order provides, however, that the formula price changes, including price changes based on utilization, would occur at the beginning of calendar quarters.

Producers' exceptions to price adjustments based on utilization argued that a 12-month percentage of utilization cannot accurately measure whether supplies are short, adequate, or excessive. In the recommended decision, it was recognized that the 12-month utilization percentage is not a mathematically precise measure of available supply, and accordingly allowance was made for such lack of precision in deciding upon the percentages which would determine when price adjustments should be made. The figure of 135 percent of sales was

estimated to be definitely high enough to indicate that supplies were more than necessary to supply the market. Even with considerably lower percentages for a 12-month period, for example, with receipts about 130 percent of Class I sales, an adequate supply of producer milk is available in the short season, based on the seasonal pattern of production during 1949 and 1950.

Producers argued for a higher percentage than 135 percent of sales to be taken as an indication of a surplus supply situation if this device were to be used to adjust prices. In view of producers' exceptions and the uncertainties involved in current national economic conditions, particularly because of the defense mobilization effort, it is deemed desirable at this time to use a slightly higher percentage of Class I sales as a basis for downward price adjustment. Receipts 137 percent of Class I sales during 12 months would be 4 percentage points higher than the highest level of record, and 7 points higher than for the 12 months ending with December 1950. It is recommended that a downward price adjustment be made when the relationship of receipts to sales reaches this level.

Producers' exception that 115 percent of sales is not high enough to serve as a measure of when supplies are inadequate appears to be based on the slow moving nature of a 12-month average, rather than the actual level of the percentage. No statistical device which would react more quickly in measuring the relationship of available supplies to demand was suggested in the testimony or in exceptions. This exception is denied.

In a further exception producers argued that the supply-utilization ratio might be subject to manipulation which would result in an unjustified price reduction. Handlers might, it was argued, deliberately bring in additional plants in order to reduce the utilization percentages. It was pointed out in the recommended decision that the ability of handlers to reduce the average utilization by adding new plants is largely dependent upon the supply situation. The possibility of manipulation could be largely avoided as suggested in the producer exception, by requiring that a producer plant be in such status for a period of time before its receipts are counted in the 12-months average utilization percentage. Requiring producer plant status for 3 consecutive months out of the 12 months would seem to provide adequate safeguard against manipulation.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms

and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pa., Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and whole-some milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 961.4 (a) (1) and substitute the following:

(1) *Class I milk.* The market administrator shall compute and announce on the 15th day of each month (or on the next business day if the 15th is a holiday) from the latest available data the index values computed pursuant to subdivisions (i) through (vi) of this subparagraph, the Class I price, and the utilization percentages computed pursuant to subdivisions (vii) and (viii) of this subparagraph.

(i) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bu-

reau of Labor Statistics, United States Department of Labor, and convert the result to a 1936-1940 base period by dividing by 0.8028.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundred-weight for 20 percent protein mixed dairy feed, using a 1936-1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy on a 1936-1940 base period by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910-1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | |
|-----------------------------|------|
| January, February, March | 0.96 |
| April, May, June | 1.00 |
| July, August, September | 1.04 |
| October, November, December | 1.00 |

(iv) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936-1940 base period, by dividing by 0.013945 the monthly average price paid at 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|----------|------|-----------|------|
| January | 1.02 | July | 0.97 |
| February | 1.02 | August | 1.00 |
| March | 1.01 | September | 1.00 |
| April | .99 | October | 1.00 |
| May | .98 | November | 1.02 |
| June | .96 | December | 1.03 |

(v) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936-1940 base period, by dividing the monthly figure by 16,640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|----------|------|-----------|------|
| January | 0.98 | July | 0.99 |
| February | .99 | August | .99 |
| March | 1.00 | September | 1.04 |
| April | .99 | October | 1.05 |
| May | .98 | November | 1.02 |
| June | .98 | December | .99 |

(vi) Divide the sum of the indexes calculated in subdivisions (i) through (v) of this subparagraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subdivisions (vii) and (viii) of this subparagraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, or if such index value is not within a bracket, the price for the calendar quar-

ter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE

[Class I price per hundredweight]

| Formula index | Jan.-Feb.- Mar. July- Aug.-Sept. | Apr.- May- June | Oct.- Nov.- Dec. |
|---------------|--|-----------------------|------------------------|
| 116.3-120.3 | \$3.44 | \$3.04 | \$3.84 |
| 124.1-128.1 | 3.64 | 3.24 | 4.04 |
| 131.9-135.9 | 3.84 | 3.44 | 4.24 |
| 139.6-143.6 | 4.04 | 3.64 | 4.44 |
| 147.4-151.4 | 4.24 | 3.84 | 4.64 |
| 155.2-159.2 | 4.44 | 4.04 | 4.84 |
| 163.0-167.0 | 4.64 | 4.24 | 5.04 |
| 170.8-174.8 | 4.84 | 4.44 | 5.24 |
| 178.5-182.5 | 5.04 | 4.64 | 5.44 |
| 186.3-190.3 | 5.24 | 4.84 | 5.64 |
| 194.1-198.1 | 5.44 | 5.04 | 5.84 |
| 201.9-205.9 | 5.64 | 5.24 | 6.04 |
| 209.7-213.7 | 5.84 | 5.44 | 6.24 |
| 217.5-221.5 | 6.04 | 5.64 | 6.44 |
| 225.2-229.2 | 6.24 | 5.84 | 6.64 |
| 233.0-237.0 | 6.44 | 6.04 | 6.84 |
| 240.8-244.8 | 6.64 | 6.24 | 7.04 |
| 248.6-252.6 | 6.84 | 6.44 | 7.24 |
| 256.4-260.4 | 7.04 | 6.64 | 7.44 |

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(vii) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents: And provided, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

(viii) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents: And provided, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

[F. R. Doc. 51-2538; Filed, Feb. 21, 1951; 8:47 a. m.]

[7 CFR, Part 961]

[Docket No. AO-160 A-11 Rol]

HANDLING OF MILK IN PHILADELPHIA, PA.,
MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS: DETERMINATION THAT MONTH OF DECEMBER 1950 IS REPRESENTATIVE PERIOD, AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as

defined in the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area) who, during the month of December 1950 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of December 1950 is hereby determined to be the representative period for the conduct of such referendum.

William P. Sadler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 16th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2539, Filed, Feb. 21, 1951;
8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CORRECTED DESIGNATION OF CERTAIN AREAS IN WHICH MINERAL INTERESTS ARE TO BE SOLD AT THEIR FAIR MARKET VALUE

The list of counties for the States of Georgia and Maine set forth in Exhibit A to the Acting Secretary's order dated January 30, 1951 (16 F. R. 1150, 1151), is corrected to read as follows:

Georgia. Calhoun, Dooly, Early, Elbert, Grady, Hancock, Hart, Jasper, Jeff Davis, Madison, Oglethorpe, Washington, Wheeler, White.

Maine. Knox, Oxford, Sagadahoc, Somerset.

Done at Washington, D. C., this 19th day of February 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-2548 Filed, Feb. 21, 1951;
8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-21]

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BARE-BOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on February 27, 1951, at 10 o'clock a. m., in Room 4823 Department of Commerce Building, before Examiner Robert Furness upon the application of Lykes Bros. Steamship Co., Inc., to bareboat charter five Victory or Liberty type cargo vessels for employment in its subsidized Gulf-East Coast of United Kingdom, Continent, and Mediterranean services (Trade Route Nos. 21 and 13, respectively). The vessels are requested to accommodate bulk and general cargo in excess of the present berth capacity of applicant's owned vessels.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are

proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: February 16, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2571; Filed, Feb. 21, 1951;
8:54 a. m.]

INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 25849]

MOULDING SAND FROM LEXINGTON, TENN.,
TO TOPEKA, KANS.

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, moulding, bonded, carloads.

From: Lexington, Tenn.

To: Topeka, Kans.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2540; Filed, Feb. 21, 1951;
8:48 a. m.]

[4th Sec. Application 25849]

SULPHURIC ACID FROM LOUISIANA TO THE
SOUTH

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Florence, Ala., Americus and Tifton, Ga., and Wales, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2541; Filed, Feb. 21, 1951;
8:49 a. m.]

[4th Sec. Application 25850]

PETROLEUM AND PETROLEUM PRODUCTS
BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum and petroleum products, carloads.
Between: Points in Texas.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 448.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2542; Filed, Feb. 21, 1951;
8:49 a. m.]

No. 37—3

[4th Sec. Application 25851]
IRON AND STEEL ARTICLES FROM MISSOURI
AND OHIO TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, and tin and terne plate, carloads.

From: St. Louis, Mo., and group points, and Cincinnati, Ohio, and group points.
To: Points in Tennessee.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 209.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2543; Filed, Feb. 21, 1951;
8:49 a. m.]

[4th Sec. Application 25852]

AMMONIA AND OTHER COMMODITIES FROM
OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Ammonia, automobile parts, can ends, and various other commodities, carloads.

From: Points in official territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2544; Filed, Feb. 21, 1951;
8:49 a. m.]

[4th Sec. Application 25853]

PULPWOOD FROM FLORIDA POINTS TO
PANAMA CITY, FLA.

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company, for itself and on behalf of Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Stations in Florida on the Atlantic Coast Line Railroad.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3281, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2545; Filed, Feb. 21, 1951;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1158, G-1508]

UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 15, 1951.

In the matters of United Gas Pipe Line Company, and Willmut Gas & Oil Company, et al., Docket Nos. G-1142 and G-1508; v. United Gas Pipe Line Company, Docket No. G-1158.

Upon consideration of the motion of Counsel for the staff of the Federal Power Commission for continuance of the hearing now scheduled for February 28, 1951, in the above-designated matters;

Notice is hereby given that the hearing in the above-designated matters be and it is hereby continued to May 1, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 51-2529; Filed, Feb. 21, 1951;
8:45 a. m.]

[Docket Nos. G-1210, G-1236, G-1264]

EUGENE H. COLE ET AL.

NOTICE OF OPINION AND ORDER

FEBRUARY 16, 1951.

In the matter of Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264.

Notice is hereby given that, on February 15, 1951, the Federal Power Commission issued its Opinion No. 205 and order entered February 13, 1951, in the above-designated matters, issuing certificate of public convenience and necessity to Lake Shore Pipe Line Company, and denying the applications of Eugene H. Cole (Erie Gas Service Company, Inc.) and Grand River Gas Transmission Company.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 51-2530; Filed, Feb. 21, 1951;
8:46 a. m.][Docket No. ID-316, ID-1039, ID-1040,
ID-1058]

GRAHAM CLAYTOR ET AL.

NOTICE OF AUTHORIZATIONS

FEBRUARY 16, 1951.

In the matters of Graham Claytor, Docket Nos. ID-316; K. B. Crumb, Docket No. ID-1039; Philip Sporn, Docket No. ID-1040; W. J. Rose, Docket No. ID-1058.

Notice is hereby given that, on February 15, 1951, the Federal Power Commission issued its orders entered February 13, 1951, in the above-designated matters, authorizing Applicants to

hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 51-2531; Filed, Feb. 21, 1951;
8:46 a. m.]**SECURITIES AND EXCHANGE COMMISSION**

[File No. 70-2566]

GENTILLY DEVELOPMENT CO., INC., AND
MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its wholly owned non-utility subsidiary Gentilly Development Company, Inc. ("Gentilly"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 11 (b) (1), 11 (b) (2), 12 (c), and 12 (f) thereof and Rule U-46 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Gentilly's principal assets consist of two first mortgage notes in the aggregate principal amount of \$810,000, maturing January 12, 1953, which notes were received in connection with Gentilly's sale of land which it owned in the City of New Orleans (Holding Company Act Release No. 10328). Pursuant to such mortgages the mortgagors may obtain release of specific parcels of property from time to time upon payment of specified amounts per unit of property to be released. As such property is released Gentilly proposes to pay liquidating dividends to Middle South of such amounts as are received in excess of Gentilly's corporate needs. Such payments will be made as a return of capital out of unearned surplus and will be charged to capital surplus created as a result of the reduction of capital stock authorized by the Commission in 1943 (Holding Company Act Release No. 8452). It is proposed that payments received by Middle South will be credited to the carrying value of its investment in the common stock of Gentilly. It is further proposed that Middle South maintain the corporate existence of Gentilly until such time as the mortgage notes shall have been paid, at which time it is contemplated that appropriate action will be taken for complete liquidation of Gentilly.

The application-declaration states that the sale of the real property of Gentilly and the transactions described herein are in pursuance of the program of Middle South and its subsidiaries to dispose of properties not properly constituting a part of the Middle South system.

Applicants-declarants request that the order of the Commission herein recite

that the proposed transactions are necessary or appropriate to the integration or simplification of the holding company system of which Gentilly and Middle South are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the act in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

Notice is further given that any interested person may, not later than March 5, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 5, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 51-2534; Filed, Feb. 21, 1951;
8:46 a. m.]

[File No. 812-717]

EQUITY CORP. AND FIRST YORK CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that The Equity Corporation (Equity) and First York Corporation (First York), both of 103 Park Avenue, New York, New York, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 requesting an order granting a partial exemption from the provisions of Rule N-30D-1, so as to permit the applicants to mail at a date not later than March 31, 1951, reports and financial statements as of December 31, 1950, of such applicants.

Section 6 (c) of the act provides in part that the Commission may by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. Rule N-30D-1 provides that

at least semiannually every registered management investment company shall transmit by mail to each stockholder of record, a report containing certain information and financial statements, as specified in section 30 (d) of the act. Each report is required to be mailed within 30 days after the date as of which the report is made; except that if the reporting company is a nondiversified company having one or more majority-owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made, or within such longer period as the Commission may permit by order upon application.

Equity and First York are registered, non-diversified management investment companies. The application states that due to delays in closing the accounts of certain industrial subsidiaries and the delay in receiving financial statements from certain subsidiary insurance companies it is impossible to determine the value of First York's and Equity's investment in such subsidiaries. It is further pointed out that an application is presently pending before the Commission with respect to a proposed recapitalization of Commercial Controls Corporation. The plan of recapitalization is to be consummated as of December 31, 1950, but cannot be consummated prior to the issuance of an order by the Commission granting an exemption from the act with respect thereto. Such an order, pursuant to the Commission's notice of application, cannot be issued until after March 1, 1951. It is asserted therefore that financial statements should not be submitted to stockholders until such time as it is possible to reflect consummation of this recapitalization, if and when effected. The applicants request therefore that they be permitted to mail the reports required by section 30 (d) and Rule N-30D-1 within not more than 90 days after December 31, 1950, the date as of which the report is to be made.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after February 28, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 26, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues

of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-2533; Filed, Feb. 21, 1951;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17211]

CHARLES MILLS

In re: Debts owing to and bonds and stocks owned by Charles Mills. F-28-30364-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Mills, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. The sum of \$7,616.90, being a portion of the funds on deposit with Credit Suisse New York Agency, 30 Pine Street, New York 5, New York, in a blocked account entitled Credit Suisse Zurich, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. United States Treasury 2 $\frac{7}{8}$ percent bonds, due March 15, 1960, of the aggregate value of \$10,900.00, presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with any and all rights thereunder and thereto,

c. Eighty (80) shares of \$5.00 par value common capital stock of E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with all declared and unpaid dividends thereon,

d. One Hundred and Sixty-five (165) shares of \$10.00 par value common capital stock of National Steel Corporation, Grant Building, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Delaware, evidenced by certificates presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Brown Brothers, Harriman & Co.,

59 Wall Street, New York 5, New York, arising out of an account entitled Mrs. Hilde Mills, Blocked Account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL]

HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2552; Filed, Feb. 21, 1951;
8:50 a. m.]

[Vesting Order 17238]

ITSUO AOYOMA

In re: Rights of Itsuo Aoyoma under contracts of insurance. Files F-39-5981 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuo Aoyoma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyoma, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policies numbered 69503265 and 69503266, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Itsuo Aoyoma, together with the right to demand, receive and collect said net pro-

ceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Itsuo Aoyama or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyama, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General,

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2553; Filed, Feb. 21, 1951;
8:51 a. m.]

[Vesting Order 17239]

ITSUO ADYAMA

In re: Rights of Itsuo Adyama (Aoyama) under contracts of insurance, File Nos. F-39-5981-H-3, H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuo Adyama (Aoyama), whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 76438614 and 84232764, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Itsuo Adyama (Aoyama), together with the right to demand, receive and collect said net proceeds, is property within the United

States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Itsuo Adyama (Aoyama) or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General,

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2554; Filed, Feb. 21, 1951;
8:51 a. m.]

[Vesting Order 17240]

GUSTAVE BENZENBERG

In re: Rights of Gustave Benzenberg under insurance contracts, File Nos. F-28-29195-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave Benzenberg, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 102 958 579 and 111 128 201, issued by the Metropolitan Life Insurance Company, New York, New York, to Elizabeth Benzenberg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the afore-

said national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Gustave Benzenberg be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General,

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2555; Filed, Feb. 21, 1951;
8:51 a. m.]

[Vesting Order 17320]

HANS HOFFMANN-WALBECK AND ALICE
LOUISE HOFFMANN-WALBECK

In re: Bonds owned by Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, F-28-31115.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, whose last known address is 2 Bergstrasse, Aumuehle near Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) Cities Service Company 5 Percent Gold Debenture Bonds, each of \$1,000.00 face value, bearing the numbers M 5454, M 7885, M 7786, M 9941, M 17317 and M 46869, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Central Pacific Railway Company 4 Percent First Refunding Mortgage Gold Bonds, due 1949, of \$2,000.00 aggregate face value, bearing the numbers 1967, 7637 and 8064, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2558; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17315]

CONRADES STIFTUNG AND WERNER CONRADES

In re: Bonds, voting trust certificates and scrip certificates owned by and debt owing to Conrades Stiftung and Werner Conrades. F-28-31147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrades Stiftung, the last known address of which is Hannover, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Werner Conrades, whose last known address is 128 Mannheimerstrasse, Reutlingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, of St. Louis-San Francisco Railway Company, St. Louis, Missouri, evidenced by three (3) St. Louis-San Francisco Railway Company 4 percent prior lien mortgage

gold bonds, Series A, due July 1, 1950, of \$1,000 face value each, bearing the numbers M58505, M71012 and M77840, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and together with any and all rights in, to and under the aforesaid bonds, including particularly but not limited to all rights arising under a plan of reorganization of the aforesaid Company.

b. Those certain St. Louis-San Francisco Railway Company voting trust certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., together with any and all rights thereunder and thereto,

c. Those certain St. Louis-San Francisco Railway Company bonds and scrip certificates described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt by said New York Trust Company of income from the securities described in subparagraphs 3-b and 3-c hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conrades Stiftung and Werner Conrades, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

| Description of certificate | Certificate No. |
|---|-----------------|
| Voting trust certificate for 8 shares of St. Louis-San Francisco Ry. Co. no par value common stock..... | TVO 14671 |
| Fractional voting trust certificate for 3375/10000ths share of St. Louis-San Francisco Ry. Co. no par value common stock..... | 12480 |
| Voting trust certificate for 4 shares of St. Louis-San Francisco Ry. Co. \$100 par value preferred stock, Series A..... | TVO 15250 |
| Fractional voting trust certificate for 1500/10000ths share of St. Louis-San Francisco Ry. Co. \$100 par value preferred stock, Series A..... | 12888 |

EXHIBIT B

| Description of bond or scrip certificate | Face value | Bond or certificate No. |
|---|------------|-------------------------|
| St. Louis-San Francisco Ry. Co. 4 percent first mortgage bond, Series A, due Jan. 1, 1997..... | \$200.00 | CC 4042 |
| Scrip certificate for St. Louis-San Francisco Ry. Co. 4 percent first mortgage bond, Series A, due Jan. 1, 1997..... | 73.75 | 15198 |
| St. Louis-San Francisco Ry. Co. 4½ percent second mortgage income bond, Series A, due Jan. 1, 2022..... | 200.00 | RCC 2653 |
| Scrip certificate for St. Louis-San Francisco Ry. Co. 4½ percent second mortgage income bond, Series A, due Jan. 1, 2022..... | 66.49 | 15845 |

[F. R. Doc. 51-2557; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17325]

GUIDO ROEDLING

In re: Stock and bank account owned by Guido Roedling, also known as Guido Rodling. F-17-1330-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Guido Roedling, also known as Guido Rodling, whose last known address is East 57 Gasthaus Schwan, Kelheim, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred sixty-one (161) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificates numbered NA 93023 for one hundred (100) shares and NC 71799 for sixty-one (61) shares, registered in the name of Sigler & Co., and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Guido Roedling, also known as Guido Rodling, by Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of a Custody Account, account number A 11355 F, entitled Guido Rodling, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Guido Roedling, also known as Guido Rodling, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2559; Filed, Feb. 21, 1951;
8:52 a. m.]

[Vesting Order 17334]

SIGMUND VON FRAUENDORFER

In re: Claim owned by Sigmund von Frauendorfer. F-28-27742-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigmund von Frauendorfer, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following:

That sum of money previously on deposit in a savings account maintained with The Seamen's Bank For Savings, 74 Wall Street, New York 5, New York, entitled "Sigmund von Frauendorfer in trust for Maria B. von Frauendorfer", and numbered 765,222,

and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2560; Filed, Feb. 21, 1951;
8:52 a. m.]

[Vesting Order 17352]

ARTHUR N. PUCK

In re: Estate of Arthur N. Puck, deceased. D-28-12962.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Stoltenberg, Bernhard Puck, Helene (Helen) Draese, Adele Tegtmieer, and Friedrich Lemke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Lemke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Arthur N. Puck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charley Helm, as administrator, acting under the judicial supervision of the District Court of Iowa in and for Linn County, Cedar Rapids, Iowa;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Lemke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2561; Filed, Feb. 21, 1951;
8:52 a. m.]

[Vesting Order 17370]

MINEYOSHI FUJII

In re: Bank account owned by Mineyoshi Fujii. D-39-17859.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mineyoshi Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of a Term Savings Account, account number 15328, entitled Mineyoshi Fujii, maintained at the Compton Branch office of the aforesaid bank, located at Compton, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mineyoshi Fujii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2562; Filed, Feb. 21, 1951;
8:52 a. m.]

[Vesting Order 17371]

FRIEDA GAUERNACK

In re: Savings account owned by Frieda Gauernack. F-28-31219-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Gauernack, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a savings account numbered 14706, entitled Frieda Gauernack, maintained at the Fillmore Branch of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Gauernack, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2563; Filed, Feb. 21, 1951;
8:53 a. m.]

[Vesting Order 17379]

JOACHIM MAAS

In re: Bank account owned by Joachim Maas. F-28-31161.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Maas, whose last known address is Schleswig-Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Peoples National Bank of Washington, 1414 Fourth Avenue, Seattle 11, Washington, arising out of a checking account, entitled Joachim Maas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joachim Maas, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2565; Filed, Feb. 21, 1951;
8:53 a. m.]

[Vesting Order 17373]

ANNA HELD

In re: Bank account owned by Anna Held. F-28-31207.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Held, whose last known address is c/o Mattias Specht, Hoffeld Strasse 19, Duesseldorf Am Rhem, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Held, by Carteret Savings & Loan Association, 866 Broad Street, Newark 2, New Jersey, arising out of a savings account number 9478, entitled Anna Held, maintained at the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2564; Filed, Feb. 21, 1951;
8:53 a. m.]

[Vesting Order 17401]

CLEMENS KUEPPER

In re: Real property owned by Clemens Kuepper. F-28-31272.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clemens Kuepper, whose last known address is Essen-Kupferdreh, Hinsbecker Löh 40, Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Town of Granville, County of Milwaukee and State of Wisconsin, to-wit:

Lots numbered Three (3) and Four (4) in Block numbered Eleven (11) in Silver Spring Highlands Park in the South West One-quarter (SW $\frac{1}{4}$) of Section Twenty-seven (27), Township Eight (8) North, Range Twenty-one (21) East, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2568; Filed, Feb. 21, 1951;
8:53 a. m.]

[Vesting Order 15468, Amdt.]

GUSTAV ZIEGLER

In re: Debt owing to Gustav Ziegler. Vesting Order 15468, dated October 30, 1950, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 2 (a) and inserting therefor a new subparagraph 2 (a) as follows:

(a) That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, in the amount of \$27.96, as of April 25, 1946, arising out of a refund of a General

Average Deposit, paid as security for payment of charges due on a shipment designated as Interest No. 642, being transported on the Santa Rita, which met with an accident during February 1938, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

2. By deleting subparagraph 2 (b) and inserting therefor a new subparagraph 2 (b) as follows:

(b) That certain debt or other obligation of Johnson & Higgins, in the amount of \$280.43, as of April 25, 1946, representing a balance from allowance to cargo for loss on a shipment, said shipment designated as Interest No. 722, and a balance of a General Average Deposit, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 15468 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2567; Filed, Feb. 21, 1951;
8:53 a. m.]

[Vesting Order 16292, Amdt.]

KOTARO YOSHIMURA

In re: Rights of Kotaro Yoshimura under contract of insurance. File No. D-39-18678 H-1.

Vesting Order No. 16292 dated December 7, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masao Yoshimura, Natsuyo Yoshimura, Ayako Yoshimura, Masako Yoshimura, and Tamako Yoshimura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-70254, issued by the California-Western States Life Insurance Company, Sacramento, California, to Hanshiro Yoshimura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2568; Filed, Feb. 21, 1951;
8:53 a. m.]

ELISA FERIGO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisa Ferigo, Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero, Udine, Italy, and Lucia Milani, Venezia, Italy; Claim No. 39887; \$63,932.19 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Joseph Ferigo, deceased, in and to the following property: property located at 190 Hutchinson Boulevard, Mt. Vernon, New York; property located at 433 W. 46th Street, New York, N. Y. (This property replacing mortgage in the face amount of \$24,000 dated October 9, 1928, executed by the Two One Three Corporation in favor of Joseph Ferigo); balance on mortgage on premises located at 530 W. 50th Street, New York, N. Y.; balance on mortgage on premises located at 22 Van Corlear Place, New York, N. Y.; Life Annuity Contract No. 1280 issued by the Metropolitan Life Insurance Company to Joseph Ferigo, dated May 2, 1921; and a claim for \$35,037.90 balance owed as of September 19, 1941, by Ashforth and Company, Ltd. formerly doing business at 501 Fifth Avenue, New York, N. Y.; Elisa Ferigo to receive a $\frac{1}{3}$ interest and Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero and Lucia Milani to receive a $\frac{1}{3}$ interest each.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2569; Filed, Feb. 21, 1951;
8:54 a. m.]